

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY
LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

This relates to:

Plaintiffs' Master Administrative Long
Form Complaint

THIS DOCUMENT RELATES TO:

This document relates to:
Glen and Charlotte Collins, Plaintiffs
v. National Football League [et al.],
No. 12-cv-01024-AB

**PETITION TO ESTABLISH
ATTORNEYS' LIEN**

Now come the Petitioners, Wayne E. Ferrell, Jr. for the Law Office of Wayne E. Ferrell, Jr., PLLC and Charles H. Peckham and Mary A. Martin for Peckham Martin, PLLC, ("Petitioners") pursuant to MS Code §85-7-403 and §85-7-405 and executed employment agreement and state as follows:

**I.
PARTIES**

1. The Law Office of Wayne E. Ferrell, Jr., PLLC, is a Professional Limited Liability Company comprised of lawyers practicing law. It is based in Jackson, Mississippi. Wayne E. Ferrell, Jr. is an attorney admitted to practice before the courts of Mississippi, and files this lien for attorneys' fees as set forth hereinafter.

2. Peckham Martin, PLLC, is a Professional Limited Liability Company

comprised of lawyers practicing law. It is based in Houston, Harris County, Texas. Charles H. Peckham and Mary A. Martin are attorneys admitted to practice before the courts of the State of Texas, and file this petition to establish their lien for attorneys' fees as set forth hereinafter.

3. Glen and Charlotte Collins are individual residing in the Jackson, Mississippi area, more specifically at 17 Autumn Park Drive, Jackson, Mississippi 39206. As Plaintiff in the underlying matter, he has appeared herein.

II UNDERLYING SUIT

4. On or about June 16, 2015, Petitioners were retained and employed by the Plaintiffs Glen and Charlotte Collins, pursuant to a contingent fee agreement, to pursue a claim for injuries and damages sustained by Glen Collins as a former National Football League football player for six seasons.

III INTERVENORS' CLAIMS

5. From June 16, 2015 through October 6, 2016, The Law Office of Wayne E. Ferrell, Jr., PLLC and Peckham, PLLC's attorneys represented Glen Collins in this matter under a 25% contingency fee agreement. The document was signed by Glen Collins.

6. Rule 24 allows that an Intervention as of Right may be filed if the

applicant (here The Law Office of Wayne E. Ferrell, Jr., PLLC and Peckham, PLLC) can show that it has an interest in the subject matter of the pending suit and that disposition of the suit may impair its interest.

7. The Law Office of Wayne E. Ferrell, Jr., PLLC and Peckham, PLLC and its counsel worked on the Plaintiff's case and expended funds in advancing Plaintiff's case. Intervenor worked diligently – to extraordinary lengths – in order to pursue the Plaintiff's case as zealous counsel. Counsel has arranged for appropriate medical testing of Mr. Collins at counsel's expense, discussed testing results with Mr. Collins, ordered medical, workers' compensation and team records for Mr. Collins, prepared Affidavits for Mr. Collins and emailed and mailed Mr. Collins updates on his case.

8. The second paragraph of the fee agreement assigns a vested interest in the value of the gross amount of any recovery in this matter to The Law Office of Wayne E. Ferrell, Jr., PLLC. Further, The Law Office of Wayne E. Ferrell, Jr., PLLC and Peckham Martin, PLLC have incurred expenses in the case that have, as yet, not been recovered. Further, Glen Collins agreed under the terms of the fee agreement, specifically the fourth paragraph, that The Law Office of Wayne E. Ferrell, Jr., PLLC will in addition to the assigned fees be reimbursed out-of-pocket expenses which in this case includes medical expenses and records gathering expenses.

9. The necessity of the withdrawal of the belowsigned counsel is due to notice from the client that he wishes to terminate the attorney-client relationship. It is anticipated that a new attorney will shortly be representing Mr. Collins.

10. Petitioners were not terminated by Plaintiffs for cause, and the termination was not due to malfeasance or other improper action on the part of Petitioners.

11. The decision by Glen and Charlotte Collins has resulted in damages to the Intervenor such that even if no recovery occurs in the underlying case, Petitioners claim the right for expenses.

12. Petitioners claim the right to have a lien for attorneys' fees and expenses established and enforced upon any sums to be derived from any settlement or judgment obtained or to be obtained by Plaintiffs in this action.

WHEREFORE, the petitioners pray:

- (1) That their attorneys' lien be determined;
- (2) That the amount of the lien be established;
- (3) That the Court order that the Petitioners be entitled to enforce their attorneys' lien and expenses against the proceeds to be derived from any settlement or judgment in this action;
- (4) That the Defendant or the Defendant's insurer be prohibited from paying to the

Plaintiffs any sums of money until said lien has been satisfied;

(5) For such other and further relief as this Court deems just.

Dated: November 21, 2016

Respectfully submitted,

/s/ Charles H. Peckham

By:

Charles H. Peckham, Esquire
Texas Bar No.: 15704900
Federal Bar No.: 15770
Mary A. Martin
Texas Bar No.: 00797280
PECKHAM, PLLC
Two Bering Park
800 Bering Drive, Suite 220
Houston, Texas 77057
Phone: (713) 574-9044
Fax: (713) 493-2255
cpeckham@peckhampllc.com

And

Wayne E. Ferrell, Jr., Esquire
Mississippi Bar No.: 5182
LAW OFFICES OF WAYNE FERRELL, JR.,
PLLC
405 Tombigbee Street
Post Office Box 24448
Jackson, Mississippi 39225-4448
Phone: (610) 696-4700
Fax: (601) 696-7514
wferrell@airlawonline.com

CERTIFICATE OF SERVICE

I hereby further certify that a true and correct copy of the foregoing Petition to Establish Attorneys' Lien has been served via the Electronic Case Filing (ECF) system in the United States District Court for the Eastern District of Pennsylvania, on all parties registered for CM/ECF in the litigation.

DATED: November 21, 2016

/s/ Charles H. Peckham

Charles H. Peckham